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9 Attorneys for Defendant EVERGREEN MONEYSOURCE MORTGAGE COMPANY dba
10 EVERGREEN HOME LOANS

11 **IN THE UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 KURT ELLIS,

14 Plaintiff,

15 v.

16 EVERGREEN MONEY SOURCE
17 MORTGAGE COMPANY dba EVERGREEN
18 HOME LOANS,

19 Defendants.

Case No.: 2:16-CV-01580-RFB-CWH

HON. RICHARD F. BOULWARE

**STIPULATION TO CONTINUE
DISCOVERY DEADLINES**

[Second Request]

20 Pursuant to Local Rule 26-4 of the United States District Court for the District of Nevada,
21 Defendant Evergreen MoneySource Mortgage Company dba Evergreen Home Loans (“Defendant”),
22 and Plaintiff Kurt Ellis (“Plaintiff”), by and through their respective counsel, hereby submit this
23 stipulation to extend the remaining discovery deadline in this case. This is the second such request
24 made by the parties.

A. Statement Specifying Discovery Completed

Thus far, Plaintiff has served:

1. Initial disclosures

- 1 2. Requests for admissions
- 2 3. Requests for production of documents
- 3 4. Interrogatories, and
- 4 5. Deposition notice (vacated subject to rescheduling pending entry of this order)

5 Thus far, Defendant has served:

- 6 1. Initial disclosures
- 7 2. Requests for admissions
- 8 3. Requests for production of documents, and
- 9 4. Interrogatories, and
- 10 5. Deposition notices (vacated subject to rescheduling pending entry of this order)

11 **B. Specific Description of Discovery to Be Completed**

- 12 1. Deposition of Defendant Evergreen 30(b)(6) witness
- 13 2. Deposition of Plaintiff Kurt Ellis

14 **C. Reasons Why Discovery Has not Been Completed**

15 The parties have been and continue to be in negotiations for potential settlement of this case.
16 In the interim and subject thereto, the parties have worked diligently to pursue and complete
17 discovery. Plaintiff currently has scheduled the deposition of Defendant for May 5, 2017 in Las
18 Vegas. The undersigned counsel for Defendant requested this stipulation from counsel for Plaintiff
19 advising that he cannot attend or meet the current deposition date of May 5, 2017 and discovery cut-
20 off date of May 9, 2017 for the following reasons:

- 21 • Defendant's case file is in the process of being transitioned from the handling attorney in
22 counsel's Las Vegas office to the undersigned in counsel's Irvine, California office;

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- The undersigned is in need of additional time to review the case file upon receipt, confer with Defendant and its witness located on the east coast, and pursue further settlement efforts in lieu of further discovery and litigation;
- The undersigned presently has conflicts with the current deposition and discovery cut-off dates due to other case hearings and matters;
- The undersigned presently has a medical condition making flight travel difficult for attendance at a deposition in Las Vegas on May 5, 2-17; and
- Should the case not settle and once his medical condition is healed, the undersigned counsel for Defendant will need to reschedule the deposition of Plaintiff.

Based thereon, counsel for Plaintiff agreed and stipulates herein to the requested continuance of the deposition and discovery deadline.

The last stipulated day to submit a request for an extension of the discovery deadline was April 18, 2017. This stipulation and request for a discovery extension is not submitted before the deadline which is not the fault of Plaintiff. It is a result of excusable neglect on behalf of Defendant because despite working diligently in discovery and settlement negotiations to date, there has been a sudden necessary change in attorneys for Defendant's counsel after April 20, 2017 resulting in the additional time needed for the above reasons in good faith.

D. Proposed Schedule for Completing Discovery

The parties request that the following deadlines be extended as follows:

1. **Discovery Deadlines**: The discovery deadline will be extended from May 9, 2017 to July 10, 2017.
2. **Dispositive Motions**: The deadline for filing dispositive motions shall be extended from June 8, 2017 to August 11, 2017.

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1 3. **Extensions of Modifications of the Discovery Plan and Scheduling Order:** Any
2 further stipulation or motion to modify or extend any of the above deadlines must be
3 made no later 21 days before the expiration of the individual deadlines.
4

5 IT IS SO STIPULATED.

6 Dated this 26th day of April, 2017.

 Dated this 26th day of April, 2017.

7 /s/ Jeffrey S. Allison
8 HOUSER & ALLISON
9 3900 Paradise Rd., Suite 101
 Las Vegas, Nevada 89169
 Attorney for Defendant Evergreen
10 *MoneySource Mortgage Company dba*
 Evergreen Home Loans

/s/ David H. Krieger
 David H. Krieger, Esq.
 HAINES & KRIEGER, LLC
 8985 S. Eastern Ave., Suite 350
 Las Vegas, NV 89130
 Attorney for Plaintiff Kurt Ellis

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13 IT IS SO ORDERED.

14 DATED: April 28, 2017

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17 _____
18 C.W. HOFFMAN, JR.
19 UNITED STATES MAGISTRATE JUDGE
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On April 26, 2017 I served the following document(s) described as follows:

On the following interested parties in this action:

☒ E-FILING—By causing the document to be electronically filed via the Court’s CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

Executed on April 26, 2017 at Irvine, California.

Courtney Hershey
Courtney Hershey